

LAND USE ADMINISTRATION IN NEW OWERRI AREA, 1978-2020

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Abstract

This study examines the administration of land in New Owerri City and its effects on host communities between 1978 and 2020. Following the designation of Owerri as the capital of Imo State in South-East Nigeria, extensive geophysical restructuring occurred in the area delineated as New Owerri - the twin city of the old and main city of Owerri. This process resulted in land alienation and significant physio-structural reconfiguration of landscapes originally belonging to the land-donating communities of New Owerri. Accordingly, the study focuses on Nekede, Umuguma, and Owerri Municipal, the three host communities of New Owerri. It argues that the glitz and glamour characterizing the New Owerri urban landscape came at a considerable cost, paid by the host communities through the compromise of their environmental integrity and adverse effects on their traditional economic systems. The paper examines and evaluates the physical, social, and economic impacts of the Land Use Act of 1978 on these host communities, with the aim of establishing the extent to which the principles of land control and land suitability were adhered to by the state government and relevant agencies during its implementation. Environmental, physical, and economic indicators illustrating the extent of land loss suffered by the host communities are highlighted using data obtained from relevant literature, oral interviews, field visits, and Geographic Information System (GIS) analysis. The research adopts a historical narrative method, employing a thematic and qualitative analytical approach. The study concludes by recommending that government should demonstrate greater transparency and sincerity in land administration in the New Owerri area. Land should not be allocated for private use except where it serves clear public interest, in order to prevent the marginalization of original landowners - an outcome that could trigger social unrest and exacerbate security challenges in Imo State and Nigeria at large.

Keywords: New Owerri; Development; Land Use Act; Host communities; State Government

Introduction

Owerri is the capital of Imo State, created on February 3, 1976 under the Federal military administration of Gen. Murtala Mohammed, with then Lt. Commander Ndubuisi Kanu as the first military governor of the state. The original master plan of Owerri conceptualized a twin city within the Owerri Capital Territory. One being the earlier developed part of Owerri city, and the later referred to as 'New Owerri', the ongoing developing part of the South-East and South-West of Owerri.¹ The New Owerri Capital City is situated on the native landscape of the surrounding towns of Nekede and Umuguma both in Owerri West Local Government Area of Imo State, which is bounded by land that belong to Umuoyima community of Owerri municipality. However, most of the New Owerri land area belongs to Nekede Town, which is about sixty percent of the New Owerri Capital City, while Umuguma provided about thirty five percent and Umuoyima of Owerri municipal, five percent of the area.² The people of the host communities were subsistence farmers but have since abandoned farming after Owerri became a state capital in 1976 when their arable land was acquired by government for other development projects as part of the larger Owerri Capital Territory, and particularly as their land formed the bulk of the New Owerri area.

There are various previous works on the development of Owerri City, however, they did not dwell specifically on how Land Use in the New Owerri affected the host communities of the "Twin City", which this study wants to highlight and discuss. Literatures like, E. Y Galantay entitled "*The Planning of Owerri: A New Capital for Imo State, Nigeria*", highlights the design and planning of Owerri as a new capital of Imo State.³ The work concentrated on developments around the old Owerri City, that had the traditional *Owerre Nshi Ise* as its nucleus. A detailed account on the development and administration of Owerri as a new state capital has been given in Nwaka's, *Owerri: Development of a Nigerian State Capital*.⁴ But discussion was not centered on the area of New Owerri and her hosts. Details of Owerri master plan is presented in Fingerhuth and Partners', *Imo State Capital, Owerri: Master Plan Twin City*, where the outline of Owerri town planning shows that the city was planned to be a "Twin City".⁵ A *Template for the Rural Development of Imo State* by Mbaegbu, focuses particularly on Owerri

area with a look at the consequences of such exclusive development as the consistent Rural-Urban migration of population.⁶ Orji in his book, *Owerri in The Twentieth Century, 1901-1999*⁷, takes a holistic look at development at Owerri from its foundation to her attainment of the status of state capital and beyond..

As urban population grew, agricultural land surrounding the city of New Owerri was converted to living space. This expansion of urban land impacted food production and the livelihoods of rural producers in the host communities. So while it directly had impact on agricultural production as a result of the shifts in land use, more rural people were forced to seek off-farm employment. The apparent transformations were as a result of migration of people from the rural communities to New Owerri urban area. The above process and event also brought increase in the percentage of surface coverage of the area.

The right to acquire, hold and enjoy landed property in the host communities was one of the fundamental benefits enjoyed by the indigenous people. Landed property was not only an economic asset, it had emotional and sentimental value too. However, with the introduction of the Land Use Act of 1978, compulsory acquisition became the power of government to acquire private rights over land without the willing consent of its owner or occupant, in order to benefit the society in exchange for compensation. Therefore, government acquisition evolved as a result of the invaluable nature of land and the important role it plays in the socio-economic development of a society.

This study is organized in six sub headings, the first is the introduction; The second is an overview of New Owerri host communities; The third is the traditional land tenure system in Owerri; The fourth is the Land Use Decree of 1978 and its application by government in Owerri; The fifth discusses the consequences of government application of the 1978 land law on the host communities of New Owerri; and the sixth is the conclusion with some recommendations. Thus, the paper evaluates the physical, social and economic effects of the Land Use Act of 1978 on New Owerri host communities with suggestions on how the adverse effects could be mitigate to the communities' benefit.

The Geographical Location of Host Communities: Owerri Municipal is the capital city of Imo State and at the center of the Capital Territory, located within longitude 7° 02' E and latitude 5° 49' N. It has an area of 58 km². Owerri Municipal is bounded at the Southeast by Naze, at the Northwest by Irete, Nekede is located 0.5 km south of the municipality, Uratta located at the north, Egbu located 6 km east, and Umuguma Town, 6 km west.⁸ The area of New Owerri in Owerri Municipality includes, the Owerri Girls Secondary School, Port-Harcourt Road, Imo Television (ITV) and NTA area. However, Umuoyima of Owerri Municipal, one of the host communities shares boundary with the other two major host communities of Umualum Nekede and Umuguma, who are the main contributors of land in the New Owerri Capital Territory.

Nekede is the nearest satellite town of Owerri urban, with only half a mile (0.804 km) separating them. Nekede lies within 5°N of the map of Igbo territory and South of Owerri Municipal and occupies an area of approximately 25 square kilometers. To her East lies the Naze community. On the West is the Avu Village, which share a common boundary with Nekede. On the North lies the Owerre Nchi Ise Villages. And to the South-West, one meets the Obinze community. Nekede is the largest contributor of land to the New Owerri Capital Territory⁹, a considerable part of New Owerri falls within the Nekede homeland. A large percent of her landmass is ceded to Imo State Government as part of the Owerri Capital Territory, under the Owerri Capital Development Authority (OCDA), which includes the Imo State House of Assembly, Central Bank, Imo State Secretariat, National Primary Education Commission, New Nigeria Post Office Complex, Imo Concorde Hotel, Protea Hotel, and over 50 other mega hotels, others includes, INEC secretariat, NLC Secretariat, Consumer Protection Commission Office (CPC), New JAMB Center, ISOPADEC Office, Imo State Specialist Hospital, Udenwa Estate, Imo State Primary Health Care Office, Imo State Universal Basic Education Board (IMSUBEB), OCDA office, Central Bank of Nigeria (CBN) Owerri office, New Owerri Police Station, Areas H; U; G; V; C; E; P; Pocket Layout, Federal Forestry Reserve, Imo State Agricultural Development Agency, Imo Rubber Estate, among others. Nekede is in Owerri-West Local Government.

Umuguma stretches from the North-Western part at the roundabout on Sam Mbakwe Avenue by Dream-Land Hotel, through the Coca cola Factory off Irete Road on the East, to the Federal Secretariat Complex on Port Harcourt Road to the West and through Port Harcourt expressway including all the Housing Estates - World Bank Housing Estate, Area L; M; N; Federal Low Cost Housing and Imo State Housing Estates. The community also play host to Federal Secretariat, Customs and Exercise office, General Hospital, Owerri. It borders Owerri at the north, Nekede at the west, Irete and Okuku on the east and Avu at the south. Umuguma contributed as the second largest landmass to the New Owerri Capital Project and is the Headquarter of Owerri-West Local Government.¹⁰ When New Owerri was carved out by the government, the area was embraced by non-indigenous

settlers. However, the Owerri Municipal Local Government relied on the moniker of the New Owerri area to usurp some land belonging to Nekede and Umuguma towns of Owerri West for their use.

The Traditional Land Tenure System in Owerri

Land: Land is of tremendous importance to man because it is the basic of all his endeavours. People look to land for their physical environment, for the food they eat and other materials needed to clothe their bodies and to provide housing and manufactured goods, for building sites, for recreational activities and for scenery as well as open space. Also, it is the very foundation and framework upon which social, political and economic activities of a people function. This explains why there are emotional, spiritual and financial attachments to land in our area of study, likewise in most other societies. As dominant agricultural communities, land is the most important resource and the individual person's relationship to it was a crucial factor of social and political identification of the people of host communities.¹¹ The right to land ownership is the key factor that determined an individual's economic, social and political status. It is also regarded as the link between the dead, living and the unborn of a family hence its inalienability.¹² It is regarded as a taboo to sell land acquired through inheritance in these communities. Therefore, the motive of land ownership is spiritual, the loss of land property cannot be adequately compensated for by mere cash payment or offer of an alternative land.¹³

Ownership and Pattern: The system of ownership and pattern of land use in the host communities falls within the general form, view, and ideology of the Igbo ethnic group, which attached much importance to land as being the life-blood of the people. In fact, trespass may result to war because the issue of land subject is viewed in a more sensitive manner. Before the introduction of the Land Use Act of 1978 in Nigeria, the land tenure system operating in the host communities conferred absolute ownership of land as the native law and custom made for absolute ownership by individuals or communally. This implies the fullest amplitude of right of enjoyment, management and disposal over property, and also that the owner's title is superior to, and not dependent upon any other rights that may exist in the property in favor of the persons. The interests or rights of individuals in community land were basically derivative interests. The customary land tenure system of the host communities comprised (i) Communal Lands owned by the community (ii) Stool or Royal lands attached to the office of the Eze (iii) Family lands owned by various families (iv) Individual or Separate property owned by the individual.¹⁴

Communal Land: The community lands comprised lands which the whole community has a private or proprietary interest. Such community lands were supervised and administered by the Obilobis (eldest men of each family/compound of the kindred) and the traditional ruler. Each member of the community was entitled to as much land as he needed to cultivate for purpose of sustaining his family. For example, communal ownership is directly exercised over the Otamiri and Nwaorie Rivers' shores and off-shores area, sacred lands and other areas mapped out for special purpose uses.

Royal Land: The stool or royal lands comprised the Eze's palace and the surrounding lands. Here land is specially mapped out as practiced in the host communities and attached to the office of the Traditional Ruler - Eze, and anybody in that position has right to use such lands. However, this right does not include right of disposal or reassignment of the land by any reigning Eze.

Family Land: The family lands were lands that were vested within the members of the family as a corporate group. In the olden days prior to the promulgation of Land Use Act, 1978, individual ownership of land was rare. The land tenure system practiced was essentially that of family ownership of land. The position, from ancient times is that whoever settles on the land first exercises right of ownership. Thereafter the family farm on the land to indicate act of ownership. Under the period of study, land is held under the name of the family. This is so because family land belongs to the living, dead and the unborn members of the family. A male child born into the family automatically becomes entitled to co-ownership of the land by virtue of his membership of the family. It should be noted that family land has disintegrated into individual land as a result of partitioning of family land among the children of a deceased family head. The resultant effect of this is that there is large scale of fragmentation of land among the people of the host communities.

Individual Land: Individual property comprised lands whose title was vested on individuals and was obtained by partitioning of the family land to individuals. Like it is the case generally in Igbo land, the same applies to the host communities of New Owerri City. Land held under customary tenure can't be sold or alienated. Such an act was generally considered as capable of depriving the unborn generation of the opportunity to acquire land. There is also land which an individual has inherited or otherwise acquired and which is at his personal disposal and not subject to family sanction. Formerly, individual ownership was very rare, however, it has gained tremendously in prevalence due to modern conditions. The individualization of land and outright alienation and partition are perhaps the most striking changes that have taken place in the customary system of tenure.¹⁵ Urbanization has led to the rapid conversion of open, mostly agricultural land into settlement areas, which also led to the destruction of the traditional pastoral and farm landscape due to greed for land on the part of unscrupulous government officials and land racketeers.¹⁶

Government Application of Land Use Act in New Owerri

The Land Use Decree/Act: On March 29 1978, the Federal Military Government introduced a controversial Land Use Decree which rules that all undeveloped land in the then nineteen States of Nigeria will be held in trust for the people by the State Governments, and administered for the benefit of all by specially appointed land allocation committees.¹⁷ By introducing a uniform land policy for the whole country, it is hoped that the Decree will encourage greater movement of Nigerians from one State to another, strengthen inter-ethnic relations, and thus promote the cause of national integration. The Decree requires holders of statutory and customary titles to pay such rents as the government may from time to time determine, while the government undertakes to pay adequate compensation to those whose rights and interests in developed or effectively occupied land are revoked or disturbed by government measures affecting such lands. To ensure that the Decree was adhered to, penalties, in the form of fines and or imprisonment were prescribed for those who contravene its provisions, although aggrieved persons are given the option to seek redress in a court of law. The idea of the Land Act was to facilitate urbanization and make land available for government stations, trading centers, roads, railways, port facilities and so on.

Development Control: There is lack of adequate regulations or Development Control on the part of government in the development of New Owerri area. Development control in all ramifications is simply put as the way and manner in which land use or physical development of land is regulated. Land use or physical development embraces all of man's activities in relation to land. Thus what development control seeks to achieve is to ensure the orderly arrangement and control of these activities in space. The Owerri Capital Development Authority (OCDA) is saddled with that responsibility to check-mate land use and control in the Owerri Capital Territory. It is in this regard that the development control in Imo state is gravely flawed. Officials of OCDA are responsible for the challenges faced by residents in New Owerri on inappropriate change of use of property in Areas zoned as residential areas, which have been converted to use as hotels and commercial properties creating new challenges of noise pollution, overuse of public services, congestion, and constituting nuisance of prostitution in residential Areas. Hotels and petrol stations are built everywhere without concerns for zoning principles, environmental and public safety.

Land Suitability: Suitability is a measure of how well the qualities of a land unit match the requirements of a particular form of land use. Therefore, land suitability is appropriateness of piece of site for specified purpose, i.e. when a piece of land fits right with the use it is intended for. Furthermore, site suitability is defined as a "method of understanding existing site qualities and factors that will determine the location for a particular activity".¹⁸ This entails a thorough evaluation of the environmental resources as well as the features that characterized the site through the use of mapping methods. The end-product of a site suitability analysis is a comprehensive result showing the most suitable to least suitable sites for a specified activity. Going by the above intent and purpose, the forced acquisition of the communities' land by government was primarily meant for state development, but such aim has been betrayed by the same government through their corrupt officials. The developmental purpose of which land were acquired have been utterly neglected in most cases in New Owerri, instead some of the government acquired land were converted to private ownership/residential mansions that belong to top government officials and their friends in Imo State and outside the state.

Effects of Land Use on Host Communities in New Owerri

Land Alienation: The introduction of the Land Use Decree (and later Act) of 1978, ultimately altered the traditional matters concerning land ownership in the host communities. The right to acquire, hold and enjoy landed property is one of the fundamental pillars on which members of these communities rests on. Landed property is not only an economic asset, it has emotional and sentimental value too. Compulsory acquisition is the power of government to acquire private rights on land without the willing consent of its owner or occupant in order to benefit the general public or society in exchange for compensation. Thus, the host communities have been deprived of their land, which was forcefully acquired by government. Land alienation has made it impossible for the communities to access their vast agricultural land, which had in the past solved the problem of shortage in food production, employment, and the hope of having a reserved landed area made for future expansion as the population of the communities outgrown their traditional native enclaves.

Inadequate Compensation: The Land Use Act provides and set out guidelines through which lands may be compulsorily acquired from land owners. The constitution of the Federal Republic of Nigeria also alludes to revocation of rights and interests in land. Conversely, compensation is based on the theoretical basis of the inalienable right of an individual to acquire and own property. This means that no private property right can be compulsorily acquired by the State without payment of compensation to assuage the loss to the owner of the property. Compensation, when used in the context of deprivation of land, means to recompense or amend. It means the sum of money which the owner would have gotten had he sold the land on the open market plus other losses which results from the acquisition process. The word 'compensation' carries the corollary that the loss to the seller must be completely made up to him on the ground that unless he receives a price that fully equalled his pecuniary detriment, the compensation would not be equivalent to the compulsory sacrifice. However, the case of adequate

compensation to the host communities as individuals or collectively as a community fell short of stipulated expectations. In fact, some lands were acquired by government without compensation.

In the light of the above example, government acquisition process had created tension in the host communities, especially from people who were threatened with dispossession. The compulsory acquisition of land for development purposes has ultimately bring some benefits to the host communities, but had also been disruptive for people whose land were acquired. It had displaced families from their lands and homes, farmers from their fields, and businesses from their neighbourhoods. Indeed, it separated families (migration), interfered with livelihoods, deprived the communities of important religious or cultural sites, and destroys networks of social relations. In all, government unfair procedural and compulsory acquisition of land and the inequitable compensation for the land loss has reduced land tenure security in the area, and has led to increased tension between the government and the communities. The situations have reduced public confidence and trust in the rule of law and relative government agencies, like the judiciary and law enforcement agencies. Such unclear, unpredictable and unenforceable procedures create opportunities for corruption among government officials as it is being witnessed in the case with the New Owerri host communities and unscrupulous government officials.

Land Court Cases (Government vs Host Communities): There were increase in the level of confrontation and friction between the host communities and Imo State Government on land matters, as a result of either poorly or forceful acquisition without compensation or inadequately compensating the owners, which has become the norm. Government had revoked or acquired some land injudiciously through the infamous activities of some of her top corrupt officials in collaboration with some unscrupulous land-racketeering indigenes of the communities, who sabotaged the communities for their selfish interest by aiding government take-over of community land. Some of this unnecessary tension created by disagreement between the government and the host communities over land matter added to the high insecurity level in Imo State.

For example, In April 2012, it was reported that indigenes of Owerre Nchi Ise protested a government land seizure intended for development. The case of the land dispute between the Imo State Government and the people of Amawom Community in Owerre Nchi Ise has attracted both national and international attention. The land central to this crisis was the Land at Area K near the World Bank Housing Estate, which was alleged to have been forcefully acquired from the community and allocated to some individuals who were alleged to be private developers and international business partners of some government officials.¹⁹ This acquisition without adequate compensation and consultation therefore, angered the Amawom people against the then Director of Lands in the state. The aggrieved community resisted by occupying the land in their numbers with men, women, including the aged and youths keeping vigil on the land and consequently disrupting alleged plans by government to build a mega hotel and an Ecumenical centre on the land.²⁰

The Umuejichi Nekede community had their own court case with the Imo State Government that is still lingering. The land court case has gone through the High Court Owerri, "SUIT NO. HOW/603/2018; The Court of Appeal. "APPEAL NO. CA/OW/222m/2020; and presently pending in the Supreme Court, "SUPREME COURT NO. SC/CV/714/2023. The land in question that was forcefully confiscated by the State government is the former Imo State Forestry and Zoological Garden that spanned through the No.3 Nekede old road to the Area H of New Owerri.²¹

For the Umuguma community, the State Government also confiscated their ancestral land in what they termed, illegal acquisition by government. The Government acquired the entire expanse of land known and called Okohia Umunjo/ Umuguma Land, currently known as Industrial layout which was owned by the Umunjo and Umuguma Community. The acquisition of the said land was for industrial purpose and it was done without due process and no compensation whatsoever was paid to the land owners.²²

The Umunjo/Umuguma Community petitioned the Judicial Commission of Inquiry as was required by the commission for all land owners whose land were affected to appear before the commission to make submissions of their claims to the commission. At the end of the deliberations, the Judicial Commission of Enquiry came up with their findings and recommendations published in a White Paper, an Official Gazette.²³ The summary of the panel's findings and recommendations was that the said land was amongst the lands wrongly or illegally acquired by the government and there was no compensation paid to the land owners, it thereby recommended that government should endeavor to do the needful by following due process of acquisition of land.²⁴

Owerri people lamented that there was a deliberate policy to render them landless. In an organized Owerri People Summit, the people of Owerri criticized land grabbing by successive governments in the state. While appreciating that the status of a State Capital comes at a cost, the summit noted with dismay calling it a deliberate ploy to render the indigenous people landless. They said that there appears to be a deliberate policy to render Owerri people homeless by successive administrations since 1976, which they said reached a crescendo between 2011 and 2019 and has continued. The people expressed dismay that most worrisome was the fact that lands taken from Owerri people under the abuse of the Land Use Act for overriding public interest were later converted to private use.²⁵

A communiqué issued on a Saturday at the 4th anniversary of the Egbu Summit (August 22, 2020), under the chairmanship of Maj. Gen Collins R. U Ihekire (Rtd), reads: 'In remembrance of that epochal 2017 summit and

for review of the current situation of things, the Coalition has continued to convene the summit every year and the 2020 edition under the Chairmanship of Maj. Gen Collins R. U Ihekire hereby issues the following resolutions: ‘That Owerri people, in spite of their historical advantage have continued to make sacrifices for others. The host indigenous communities of Owerri Municipal, Owerri North and Owerri West Local Government Areas have continued to lose most of their ancestral lands thereby rendering them and their future generations “landless” and homeless. The profound negative implications of this demographic cleaning for the future can be better imagined than told’.²⁶

Conclusion

One pertinent question arising from the foregoing experience in Imo State is whether the Land Use Act has met the needs and aspirations of both the government and the people. Drawing from the experiences of the host communities, it appears that the government and the people are operating at cross-purposes. While some communities cast aspersions on government revocation orders, others resort to outright resistance and harassment of public officials engaged in legitimate official duties. As observed in this study, petitions, litigation, government intimidation through security agencies, intrigues, land racketeering, and the emergence of community saboteurs—indigenes who align with government for selfish interests—have become commonplace. Consequently, the notion of land as a cherished inheritance continues to generate resentment and conflict.

The Land Use Act of 1978 was enacted to nationalize land ownership in Nigeria and to facilitate effective state control over land use and development. However, its implementation in the New Owerri area has become a clog in the wheel of economic growth and development of the host communities. Although the Act was intended to make land readily available for public use, its implementation in the area has largely dismantled the pre-existing indigenous land tenure system while inadvertently facilitating private land acquisition by elites.

Although the Land Use Act was designed to enable government to pursue ambitious developmental projects, it has adversely affected the host communities of the New Owerri area, resulting in land alienation, loss of livelihoods, and denial of land previously reserved for future expansion of residential settlements, commonly referred to as “*Mbi-Ohuru*” (new residential quarters). Furthermore, land in the New Owerri area has become largely inaccessible to ordinary citizens. Land that could formerly be acquired through traditional arrangements such as *kola tenancy*—a symbolic token given in accordance with native law and custom—or under the Public Lands Acquisition Ordinance for a modest fee, is now exorbitantly priced and beyond the reach of low- and middle-income earners.

The study therefore recommends the introduction of more stringent development control measures to prevent further environmental degradation and to ensure that existing physical planning laws regulating development in the New Owerri area are strictly enforced. In this regard, the approval of hotels within residential zones of New Owerri by the Owerri Capital Development Authority (OCDA) is inappropriate and counterproductive. Arbitrary changes in land use and blatant disregard for zoning principles have created land-use conflicts, nuisances, noise pollution, and the unchecked commercialization of residential neighborhoods, with attendant social abuses and rising criminal activities.

Of particular concern is Area A, where petrol stations are indiscriminately located, including within residential areas. This poses serious environmental and public health risks, notably the pollution of underground water sources in parts of New Owerri, which could potentially lead to cancer outbreaks resulting from fuel tank leakages. Another contentious issue between the host communities and the Imo State Government is the problem of inadequate or non-existent compensation. Adequate compensation for landowners in New Owerri has largely not been paid as expected. It is therefore sacrosanct that compensation accompanies compulsory land acquisition processes, as mandated by Nigerian law and expressly stipulated in the Land Use Act.

With adequate provision of agricultural land and housing for the teeming rural and suburban populations, government would have addressed two of the three basic needs of humanity—food and shelter. Consequently, the study recommends that portions of land appropriated from the New Owerri host communities should be earmarked for mechanized agricultural farming and low-cost housing schemes. This would help accommodate indigenous people deprived of their ancestral lands meant for residential expansion, while also providing employment opportunities and sustainable means of livelihood for displaced subsistence farmers and natives who were forced off their farmlands due to government actions and inactions.

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